

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUE VALUE COMPANY, L.L.C.

Plaintiff,

v.

FREUD AMERICA, INC. and
ORGILL, INC.

Defendants.

Case No. 1:24-cv-01334

Judge Charles Kocoras

**PLAINTIFF’S MOTION TO REMAND AND
RESPONSE TO
JOINT MOTION TO CONDUCT LIMITED JURISDICTIONAL DISCOVERY**

Plaintiff True Value Company, L.L.C. (“True Value”), by and through its undersigned counsel and pursuant to 28 U.S.C. § 1447(c), hereby moves to remand this case to the Circuit Court of Cook County, Illinois. As set forth in greater detail in the accompanying Memorandum of Law, Defendant Freud America, Inc. (“Freud”) and Orgill, Inc. (“Orgill”) admit that none of the parties to the case can state with certainty what True Value’s complete jurisdictional citizenship is, and, in fact, Defendants have filed a Motion with this Court seeking to issue multiple third-party subpoenas in an effort to answer that question. (Dkt. No. 10). Defendants cannot assert that diversity exists, then, and the Court lacks jurisdiction to oversee the discovery that Defendants are seeking leave to conduct. Moreover, the discovery that Defendants have proposed to issue will only confirm that True Value’s ultimate citizenship, based on the citizenship of its direct and indirect owners, includes Tennessee and North Carolina, which negates diversity and forecloses the Court’s exercise of subject-matter jurisdiction. And because True Value asserts that the Court lacks subject-matter jurisdiction over the case and it is subject to remand, it necessarily opposes

Defendants' Joint Motion to Conduct Limited Jurisdictional Discovery (Dkt. No. 10), and this pleading also will serve as its Response to that Motion. Finally, the Court should award True Value its attorneys' fees pursuant to 28 U.S.C. § 1447(c).

WHEREFORE, for all of the reasons stated in the accompanying Memorandum and supporting Declaration, True Value respectfully requests that the Court remand the case to the Circuit Court of Cook County, Illinois, deny as moot Defendants' Joint Motion to Conduct Limited Discovery, and award True Value its attorneys' fees.

Dated: March 1, 2024

TRUE VALUE COMPANY, L.L.C.

/s/ Matthew J. Kramer

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that he caused a true and correct copy of the foregoing **Motion to Remand and Response to Defendants' Joint Motion to Conduct Limited Jurisdictional Discovery** to be served upon the attorneys of record herein via the Court's electronic filing system on March 1, 2024.

By: /s/ Matthew J. Kramer
Matthew J. Kramer